

32692  
Customer Number

Patent  
Case No.: 58922US005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: NAKAMURA, SAWAKO  
Application No.: 10/595089 Confirmation No.: 2391  
Filed: June 30, 2004  
Title: HALOGEN-FREE FLAME-RETARDANT ACRYLIC PRESSURE-SENSITIVE  
ADHESIVE SHEET OR TAPE

---

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-8300.
- ☒ transmitted to United States Patent and Trademark Office on the date shown below via the Office electronic filing system.

February 20, 2008 /Yer Chang/  
Date Signed by: Yer Chang

Dear Sir:

This is in response to the Office Action dated February 12, 2008. Claims 11-28 are pending. Claims 11-28 were restricted under 35 USC § 121 as follows after clarification via telephone discussion with Examiner Desai:

(A) Claims 11 and 26 are said to be drawn to a halogen free flame-retardant acrylic pressure-sensitive adhesive sheet or tape comprising a base material and a pressure-sensitive adhesive having an acrylic polymer containing units derived from a mixture consisting essentially of from 40 percent to 99 percent of an alkyl(meth)acrylate monomer, from 0.5 percent to 50 percent of a nitrogen-containing monomer, from 0.5 percent to 20 percent of a carboxyl group-containing monomer, and from 15 parts to 400 parts by weight of a metal hydrate compound, to 100 parts by weight of the adhesive, wherein the nitrogen-containing monomer and the carboxyl group-containing monomer are copolymerized with the alkyl(meth)acrylate monomer, wherein the adhesive is disposed upon said base material.

(B) Claims 12-18 and 27 are said to be drawn to a flame-retardant acrylic pressure-sensitive adhesive tape or sheet comprising a base material, a halogen free flame retardant-containing a first pressure-sensitive adhesive layer having two sides and containing a first acrylic

polymer containing units derived from a first mixture comprising from 40 to 97 parts by weight of an alkyl(meth)acrylate monomer, from 3 to 50 parts by weight of a nitrogen-containing monomer, and from 15 to 400 parts by weight of a metal hydrate compound to 100 parts by weight of the first adhesive, wherein the nitrogen-containing monomer in the first mixture is copolymerized with the alkyl(meth)acrylate monomer in the first mixture and wherein the flame retardant-containing first pressure-sensitive adhesive layer is disposed upon said base material, and a second pressure-sensitive adhesive layer in contact with at least a portion of at least one side of the flame retardant-containing pressure-sensitive adhesive layer and containing a second acrylic polymer containing units derived from a second mixture comprising from 60 to 99 parts by weight of an alkyl(meth)acrylate monomer, and from 1 to 20 parts by weight of a carboxyl group-containing monomer, wherein the carboxyl group-containing monomer in the second mixture is copolymerized with the alkyl(meth)acrylate monomer in the second mixture.

(C) Claims 19-25 and 28 are said to be drawn to a flame-retardant acrylic pressure-sensitive adhesive tape or sheet comprising a base material, a halogen free flame retardant-containing a first pressure-sensitive adhesive layer having two sides and containing a first acrylic polymer containing units derived from a first mixture comprising, from 60 to 99 parts by weight of an alkyl(meth)acrylate monomer, from 1 to 20 parts by weight of a carboxyl group-containing monomer, and from 15 parts to 400 parts by weight of a metal hydrate compound to 100 parts by weight of the first adhesive, wherein the carboxyl group-containing monomer in the second mixture is copolymerized with the alkyl(meth)acrylate monomer in the second mixture, and a second pressure-sensitive adhesive layer in contact with at least a portion of at least one side of the flame retardant-containing pressure-sensitive adhesive layer and containing an acrylic polymer containing units derived from a second mixture comprising from 40 to 97 parts by weight of an alkyl(meth)acrylate monomer, and from 3 to 50 parts by weight of a nitrogen-containing monomer, wherein the nitrogen-containing monomer in the second mixture is copolymerized with the alkyl(meth)acrylate monomer in the second mixture.

#### **Response to Restriction Requirement and Election of Species**

Applicants respectfully traverse the restriction requirement and request reconsideration and withdrawal or modification of the restriction requirement.

Applicants submit that these inventions are interrelated and a search of one group of claims will reveal the art of the others. It is believed that the inventions of Groups (A), (B), and (C) are so closely related in the field of acrylic pressure-sensitive adhesives that a proper search of any of the claims would, by necessity, require a proper search of the others. Applicants further note that when Group (B) is found patentable, Groups (A) and (C) should also be found patentable.

As a result, Applicants submit that all of the claims can and should be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained. Even if the inventions are independent or distinct, Applicants respectfully note that the Examiner need not have restricted the application, and therefore need not maintain the restriction. MPEP § 803 requires that “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” Thus, it is not mandatory to make a restriction requirement in all situations where it may be deemed proper.

Nevertheless, to comply with the requirements of 37 C.F.R. § 1.143, Applicants hereby elect Group (B) (i.e., claims 12-18 and 27) with traverse as noted above, and respectfully request reconsideration and withdrawal or modification of the restriction requirement. Alternatively, should the Examiner maintain the restriction requirement, Applicants respectfully request rejoinder of Groups (A) and (C) upon allowance of the claims of Group (B).

Applicants wish to thank Examiner Desai for telephonic clarification on February 19, 2008 of the restriction requirement.

Reconsideration and withdrawal or modification of the restriction requirement is respectfully requested.

Respectfully submitted,

20 February 2008

Date

Office of Intellectual Property Counsel  
3M Innovative Properties Company  
Facsimile No.: 651-736-3833

By: /Stephen F. Wolf/

Stephen F. Wolf, Reg. No.: 45,502

Telephone No.: 651-736-9485